

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 37-69 are pending in this application. Claims 37, 48, and 59 are independent. Claims 37, 48, 57, and 59 are hereby amended. Claims 1-36 and 70-96 are hereby canceled without prejudice or disclaimer of subject matter.

Support for this amendment is provided throughout the Specification as originally filed. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. 35 U.S.C. § 112, FIRST PARAGRAPH, REJECTIONS

Claims 40, 41, 51, 52, 62, and 63 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Applicants respectfully submit that support for these claims is found on page 75, line 14 to page 82, line 13.

III. 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTIONS

Claim 57 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Claim 57 is hereby amended, obviating this rejection.

IV. REJECTIONS

Claims 37-42, 44, 45, 47-53, 55, 56, 58-64, 66, 67, and 69 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,721,827 to Logan, et al.

Claims 43, 46, 54, 57, 65, and 68 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,721,827 to Logan, et al.

Claim 37 recites, *inter alia*:

“...determination means for determining which of a plurality of levels of an entitled refund the refund quantity translates to,

wherein said plurality of levels of an entitled refund includes a fee credit and merchandise.” (emphasis added)

As understood by Applicants, U.S. Patent No. 5,721,827 to Logan, et al. (hereinafter, merely “Logan”) relates to a distribution system in which a host system organizes and transmits program segments to client subscriber locations. The host organizes the program segments by subject matter and creates scheduled programming in accordance with preferences associated with each subscriber. Program segments are associated with descriptive subject matter segments, which are may be used to generate

both text and audio cataloguing presentations to enable a user to identify and select desirable programming.

Applicants respectfully submit that nothing has been found in Logan that would teach or suggest the above-identified features of claim 37. Specifically, Applicants submit that Logan fails to teach or suggest a determination means for determining which of a plurality of levels of an entitled refund the refund quantity translates to, wherein said plurality of levels of an entitled refund includes a fee credit and merchandise.

Therefore, Applicants submit that claim 37 is patentable.

For reasons similar to those identified above, independent claims 48 and 59 are also believed to be patentable.

V. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

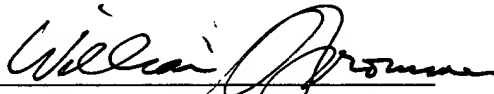
CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
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